REMARKS/ARGUMENTS

Applicants appreciate the thorough review of the present application as evidenced by the final Official Action. The Examiner rejects Claims 1, 7, 13, and 19 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner also rejects Claims 1, 7, 13, 19, 23, and 25 under 35 U.S.C. §101 as being directed to nonstatutory subject matter. The Examiner rejects Claims 1-47 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0046309 to McGrath et al. and U.S. Patent No. 6,363,388 to Sprenger et al.

Applicants have amended Claims 1, 7, 13, 19, 23, and 25 in order to overcome the rejections under §§112 and 101. Based upon the attached 37 C.F.R. §1.131 Declaration and following remarks, Applicants respectfully traverse the rejection of Claims 1-47 under §103(a). Therefore, in light of the amendments to the claims, the Declaration, and subsequent remarks, Applicants respectfully request reconsideration and allowance of the present application.

The Examiner rejects Claims 1, 7, 13, and 19 under §112, second paragraph, as being indefinite because "the same customer" is allegedly unclear, and "assigning an identifier" is missing the person or object to be assigned. Applicants have amended independent Claims 1, 7, 13, and 19 to delete "same" from "the same customer" since the claims refer to "the customer" throughout. Moreover, Applicants have amended Claims 1, 7, 13, and 19 to recite assigning an identifier <u>for the customer</u> based on a result of the determination. Therefore, Applicants submit that the rejection under §112 has been overcome.

The Examiner also rejects Claims 1, 7, 13, 19, 23, and 25 under §101 because the claims are allegedly missing the step of "sharing customer information" as recited in the preamble of the claims. Thus, the Examiner contends that the claims do not produce a real world result or a tangible result. Applicants have amended independent Claims 1, 7, 13, 19, 23, and 25 to recite the step of <u>providing identifying information using the assigned or unique identifier to an electronic storage facility</u>. Therefore, Applicants submit that the claimed invention produces a tangible result of providing identifying information to electronic storage facilities using a unique or an assigned identifier. Accordingly, Applicants submit that in light of the amendments to Claims 1, 7, 13, 19, 23, and 25, the rejection under §101 has been overcome.

As indicated above, a 37 C.F.R. §1.131 Declaration signed by the Applicants is attached to "swear behind" McGrath, and the Applicants respectfully submit that the Rule 131

Declaration presented is sufficient to overcome the rejection under 35 U.S.C. §103(a) in the Official Action. Applicants submit that the Rule 131 Declaration is timely under MPEP §715.09(C), as the Rule 131 Declaration is necessary to remove McGrath as prior art, and McGrath was first cited in a new rejection in the final Office Action. The Rule 131 Declaration demonstrates that the Applicants actually reduced an embodiment of the claimed invention to practice prior to the filing date of McGrath. Therefore, McGrath cannot be cited against the present application as prior art under 35 U.S.C. §103(a).

Actual reduction to practice requires that: 1) the party constructed an embodiment or performed a process as recited by the claimed invention; and 2) the embodiment or process operated for its intended purpose. Exhibits 1-5 substantiate that the Applicants constructed a prototype that worked for its intended purpose prior to June 13, 2001, the filing date of McGrath. In particular, Exhibits 1-5 disclose the methods, computer, and systems of certain embodiments of each of independent Claims 1, 7, 13, 19, 23, and 25 of the present application (see ¶ 6 of the Declaration). With respect to independent Claims 1, 7, 13, and 19, Exhibits 1-3 disclose a mass data store (i.e., Master DNA index) including a first data record (e.g., index record 1) identifying information for a customer having an associated first customer identifier (e.g., key information 1). Exhibits 1-3 also disclose that information identifying the customer may be received from an electronic storage facility (e.g., PNR index or RMS) containing information about the customer that includes a second customer identifier (e.g., key information 2) that is different than the first customer identifier. Exhibits 1-3 disclose that the received identifying information is stored in a second data record (e.g., index record 2) and that a determination is made whether the identifying information in the first and second data records are associated with the same customer. Furthermore, Exhibits 1-3 disclose that an identifier (i.e., DNA number) is assigned based on the determination and cross referenced with the identifying information in the first and second data records, and that the identifying information may be provided to an electronic storage facility using the unique identifier.

Regarding independent Claims 23 and 25, Exhibits 1-3 disclose a plurality of electronic storage facilities for storing customer information associated with and identifying a customer, wherein each electronic storage facility uses a different identifier to identify the customer information. Exhibits 1-3 also disclose a mass data store comprising for each customer a unique

identifier identifying the customer and a list of the electronic storage facilities that contain information for the customer along with the identification for the customer used by each electronic storage facility. Additionally, Exhibits 1-3 disclose receiving identifying information for the customer from a subsequent electronic storage facility containing information on the customer including a customer identifier that is different from the customer identifiers of the other electronic storage facilities listed in the mass data store and storing the received identifying information in the list of the electronic storage facilities along with the identification for the customer used by the subsequent electronic storage facility. Exhibits 1-3 further disclose cross-referencing the received identifying information from the subsequent electronic storage facility with the unique identifier identifying the customer, and providing identifying information using the unique identifier to an electronic storage facility for the identifying information.

Exhibits 2-5 disclose that embodiments of the claimed invention were reduced to practice (see ¶ 7 of the Declaration). Namely, Exhibits 2 and 3 disclose detail design and interface specifications required to develop software for implementing the CDNA functionality. Exhibit 4 illustrates a Customer Relationship Management ("CRM") system that was generally employed to use customer information (e.g., profile, interests, previous travel, etc.) for various functions, such as targeted marketing. Exhibit 4 also illustrates screen shots of the operational CRM system. The CRM system included the CDNA functionality of the claimed invention. In particular, the "Compaq ZLE" component provided the CDNA system, which included the functionality for cross-referencing customer information from the Relationship Management System ("RMS"), Buyer Offload Analysis Data Distributor Passenger Name Record ("BOA PNR"), and Buyer Offload Analysis Data Distributor ("BOA DD") with an assigned, unique identifier for each customer that was stored within a mass data store. Moreover, Exhibit 5 specifically states that a prototype of the CRM system was constructed and completed (e.g., see "Milestones" on p. 19). Therefore, Applicants submit that prior to the filing date of McGrath, embodiments of the claimed invention were reduced to practice, as Exhibits 2-5 demonstrate that a prototype was developed to perform embodiments of the claimed invention and that the prototype worked for its intended purpose.

For the forgoing reasons, McGrath may not be relied upon as prior art, and the remaining cited reference does not teach or suggest the methods, computer, and systems of independent

Claims 1, 7, 13, 19, 23, and 25 or any of the claims that depend therefrom and is not cited individually as such. Thus, the rejection of Claims 1-47 under 35 U.S.C. §103(a) is overcome.

CONCLUSION

As discussed previously, McGrath is not available as a prior art reference. Since all the rejections under 35 U.S.C. §103 are based on McGrath, Applicants respectfully request that the rejections be withdrawn. Accordingly, in view of the remarks and amendments presented above, it is respectfully submitted that Claims 1-47 of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

Trent A. Kirk
Registration No. 54,223

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT &
TRADEMARK OFFICE ON July 20, 2007.
LEGAL01/13047697v1